

7/14/93

Jim Hoagland

Gadhafi's Lawyer

Consider it the Washington lawyer's version of the "Indecent Proposal" Robert Redford made on-screen to Demi Moore: If Moammar Gadhafi offered you half a million dollars to represent the Libyan government in the bombing of Pan Am 103, would you do it?

Make it more interesting: Would you represent Gadhafi even if you had once worked as the State Department's top lawyer, developing the legal justification in 1986 for economic sanctions against Libya and for the U.S. air raid on Tripoli that experts believe the Libyans sought to avenge with the Pan Am massacre?

Would you do it even if ungenerous souls would inevitably suspect that the Libyans wanted to hire you precisely because of your high profile on and intimate knowledge of their troubles with the Reagan and Bush administrations, at a moment when the Clinton administration wants to turn the screws more tightly on Libya?

You would if you were Abraham Sofaer, ex-legal adviser to secretaries of state George Shultz and James Baker. Beginning July 1, Sofaer has taken on a job that astonishes and pains many who have long admired him as a staunch conservative in U.S. politics and a strong supporter of Israel.

Sofaer has agreed to represent Libya in the Pan Am 103 case for a fee he declines to disclose.

The attack on Pan Am 103 in December 1988 cost the lives of 259 passengers and crew members, most of them Americans. Two Libyan intelligence agents were indicted by a U.S. grand jury in November 1991 for mounting the attack. But Gadhafi has refused the

"Sofaer has no qualms about commingling his previous existence as Libya-accuser with his current role as Libya-adviser."

demands of the United States and the United Nations that the two alleged terrorists be handed over for trial in the United States or in Britain.

Bill Clinton promised the families of the victims of Pan Am 103 last fall to pursue and punish Gadhafi more vigorously. The Libyans seem worried that Clinton may mean it. They have mounted an intensive campaign in recent months to hire Washington lobbyists and lawyers.

Several attorneys were offered \$500,000 retainers for starters. Even so, they refused after talking to Yusef Dibri, the shadowy head of Libya's National Security Service, which Western intelligence agencies have implicated in terrorist acts. Dibri is also the point man in Gadhafi's effort to mend relations with the United States.

In a telephone conversation, Sofaer confirmed he had taken the job. He declined three times to discuss my information that the Libyans were offering half a million up front for a prestigious U.S. lawyer, saying only that his New York-based international law firm, Hughes, Hubbard & Reed, would "charge for its services in our normal way. It will be well within the range charged by major law firms. This is not pro bono."

Sofaer preemptively dismissed the possibility the Libyans were hiring him as a way to gain influence, or the impression of influence, in Washington. "This is strictly for legal services, for arranging a consensual resolution of the Pan Am 103 case, in regard to the case brought by the government or civil suits by families. If we are able to do that, we will have accomplished something worthwhile."

The former State Department legal adviser failed to see any irony in his going on the payroll of a government he had worked hard to undermine in the past. To be able to work for the Libyans, Sofaer had to get a special license from the Treasury Department's Office of Foreign Assets Control exempting him from the trade embargo that Sofaer had played a key role in crafting for President Reagan in 1986.

That was about the same time that he quickly provided Shultz with a legal justification for the April 1986 U.S. air raid that almost killed Gadhafi. The raid was mounted to punish Libya for bombing a West Berlin discotheque frequented by American soldiers.

Sofaer refused to confirm my information that he had met with Dibri in Geneva recently to discuss the contract. He acknowledged knowing Dibri's iden-

tity as Gadhafi's national security chief and head of the Libyan government's Committee to Resolve the Pan Am 103 Dispute.

Dibri's idea of resolving the dispute is to make sure that the two agents do not undergo interrogation that would lead to their conviction in a U.S. court or to their naming names of higher-ups involved in the bombing, according to one American who has talked to Dibri about working for Libya.

Sofaer suggested, without being precise, that he may be able to get Gadhafi to change his spots at long last: "I will not compromise my values and beliefs. It is significant that Libya has retained someone who has always been against terrorism and is still strongly against terrorism, and who continues to support Israel strongly."

I know people who have spent a professional lifetime waiting for Gadhafi to change his spots. And I know people in the Middle East who will see the Libyans' hiring Sofaer as a sign that Gadhafi is more secure and influential, not more likely to change. Sofaer's appointment, announced in a press release Monday night after I told him I was working on this column, will dishearten the anti-Gadhafi resistance movement that exists outside Libya, I am reliably told.

Sofaer has no qualms about commingling his previous existence as Libya-accuser with his current role as Libya-adviser. Demi Moore at least anguished over the proposal made to her before accepting it.